IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 251 OF 2005

SMT.MOGARE MAHABLESHWAR DESSAI,KARWAR ....Petitioner

Versus

SMT.TULSHI SANVLO GAONKAR AND 48 ORS., ...Respondents

Shri Nitin Sardessai, Advocate for the Petitioner.
Shri S.G. Dessai, Sr. Advocate with Shri Shivan Dessai, Advocate for R.11 to 17, 19 and 21 to 30.

Coram:- A. P. LAVANDE, J.

Date:- 17th March, 2006

P.C.:

Heard Shri Sardessai, learned Advocate for the Petitioner and Shri S.G. Dessai, learned Senior Advocate for the Respondents No.11, 12, 15 to 17, 19 and 21 to 30.

Shri Dessai, learned Senior Advocate states that the Respondents No.13, 14 and 20 expired prior to filing of the Regular Civil Suit No. 56/99. This position is not disputed by Shri Sardessai, learned counsel for the Petitoner. Therefore the names of Respondents No.13, 14 and 20 are ordered to be deleted from the cause title. Amendment to the cause title to be carried out forthwith.

In view of the above admitted position, the impugned order which is passed in the application filed by the respondents No.11 to 17 and 19 to 30 without the L.Rs. of the deceased respondents being brought on record, deserves to be quashed and set aside on this limited ground. Consequently the impugned Order dated 7th April, 2005 allowing the amendment of the written statement is quashed and set aside.

The petition stands disposed of in the aforesaid terms with no order as to costs.

A. P. LAVANDE, J.

sl.